

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

NICHOLAS TREY DANIEL,

Plaintiff,

v.

CIVIL ACTION NO. 3:23-0712

TFC J. J. DEAN III, West Virginia State Police Trooper,

Defendant.

MEMORANDUM OPINION AND ORDER

This action was referred to the Honorable Joseph K. Reeder, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendations for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted Findings of Fact and recommended that Defendant's motion for summary judgment be granted, Plaintiff's motion for summary judgment be denied, this matter be dismissed and removed from the docket, and Plaintiff's remaining motion to amend his complaint as to damages be denied as moot. No objections to the Magistrate Judge's findings and recommendations have been filed.

Accordingly, the Court accepts and incorporates herein the findings and recommendations of the Magistrate Judge and, consistent with the findings and recommendations, **ORDERS** that Defendant's motion for summary judgment (ECF No. 72) be granted, Plaintiff's motion for summary judgment (ECF No. 71) be denied, this matter be dismissed and removed from the docket, and Plaintiff's remaining motion to amend his complaint as to damages (ECF No. 70) be denied as moot.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: February 6, 2025

A handwritten signature in black ink, appearing to read 'Robert C. Chambers', is written over a horizontal line.

ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE